

**IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL.**

Criminal Misc. Application No. 67 of 2004

Om Prakash Sharma

.....Applicant

Vs.

Special Magistrate (CBI)
Dehradun (Uttaranchal) & Others

...Opposite Party

Hon'ble M.M. Ghildiyal J.

This criminal miscellaneous application under section 482/483 has been moved by the applicant to direct the Judicial Special Magistrate (CBI) Dehradun (Uttaranchal) not to proceed with the CBI Case No. 595 of 1993 CBI Vs. Pradeep Goel & others under section 120-B, 420, 468, 471 and 477-AI.P.C. as the court has ceased to his jurisdiction in the subject matter after issuance of notification conferring jurisdiction of District Bulandsher to Special Court of Judicial Magistrate, Ghaziabad. Copy of charge sheet filed by the CBI against the applicant in the case reveals that the offence was committed within the jurisdiction of District Bulandsher which falls in the jurisdiction of Special Court, CBI, Dehradun.

From the perusal of record it appears that the petitioner has neither argued before the Special Magistrate, CBI, Dehradun nor made any application for transfer of the case.

In view of the aforesaid observations, the petitioner is directed to make an application before the Magistrate concerned and he will decide the same within a period of three weeks from the date of filing of application.

With these directions, the application is disposed of finally.

(M.M. Ghildiyal, J.)

21.02.2004
ASWAL